

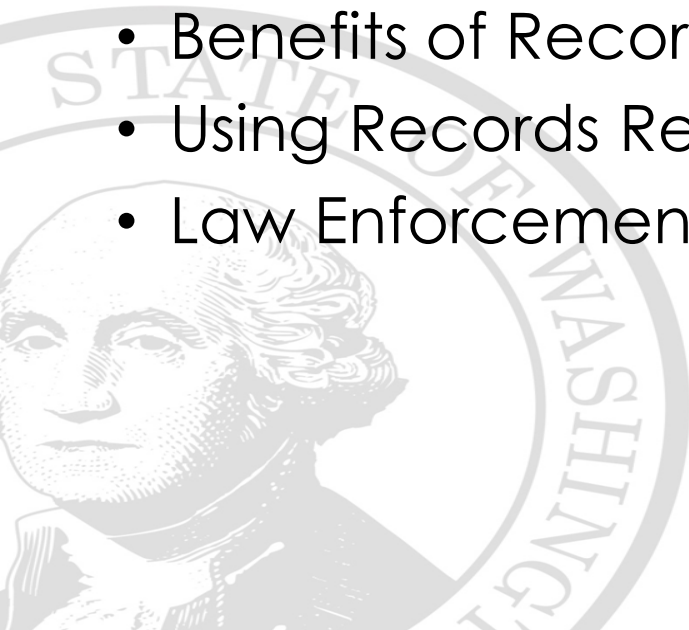


Basics of Managing *Law Enforcement* Records

Washington State Archives
recordsmanagement@sos.wa.gov
(360) 586-4901

Overview

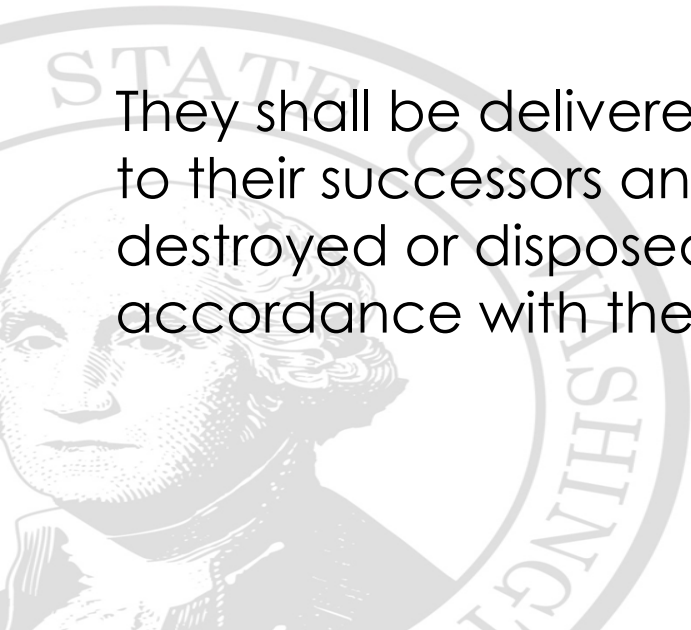
- What Is a Public Record?
- Responsibilities for Managing Public Records
- Benefits of Records Management
- Using Records Retention Schedules
- Law Enforcement Records FAQs



Chapter 40.14 RCW

All public records shall be and remain the property of the state of Washington. (RCW 40.14.020)

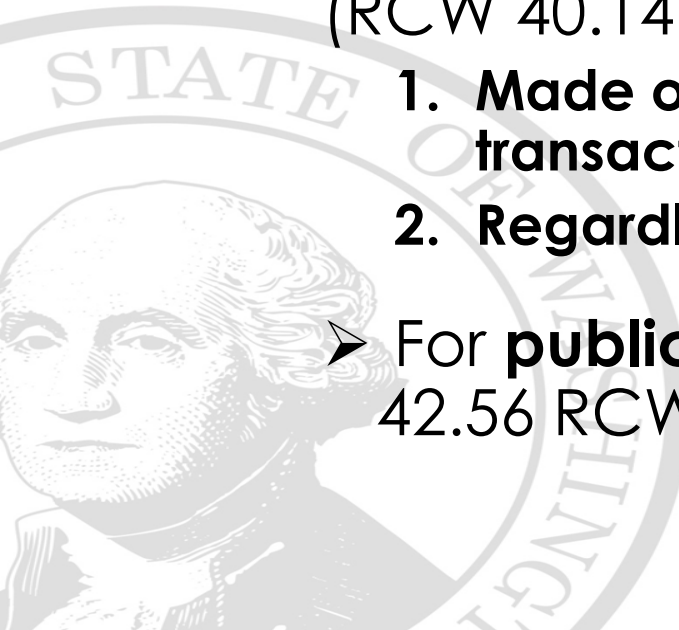
They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter.



What Is a Public Record?

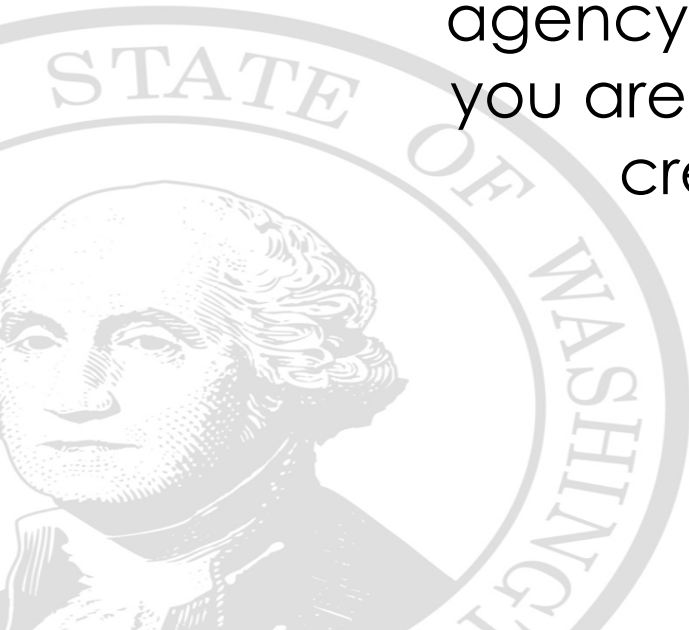
For the purposes of **retention and destruction**, two criteria
(RCW 40.14.010):

1. **Made or received in connection with the transaction of public business**
 2. **Regardless of format**
- For **public disclosure**, refer to chapter 42.56 RCW.



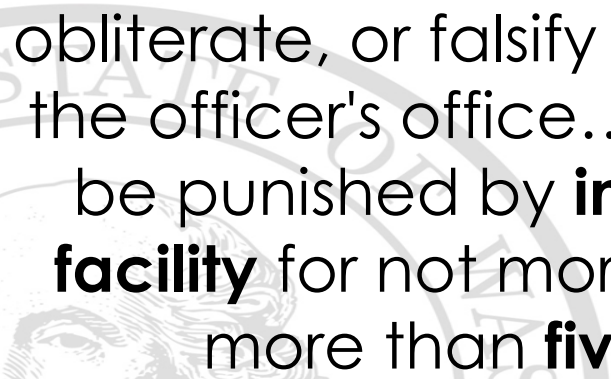
My device/account = my records?

It may be your personal device or account, but if it's being used for agency business, keep in mind that you are accessing (and sometimes creating) public records



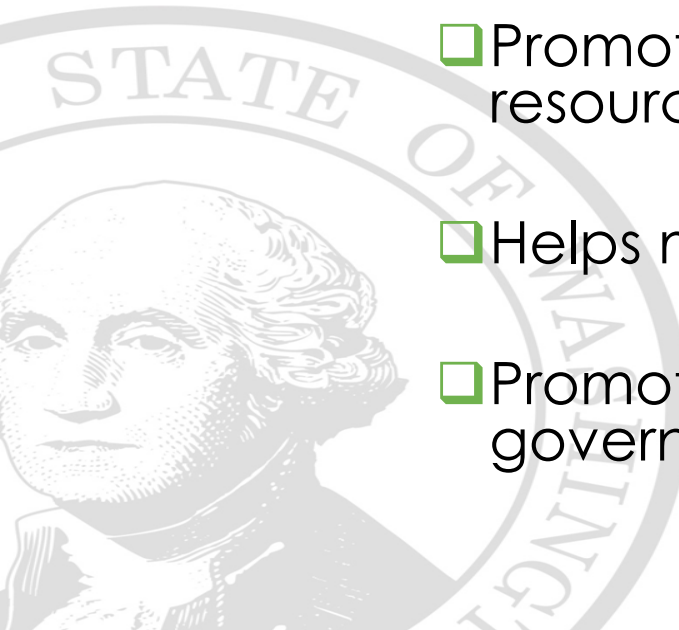
RCW 40.16.020 – Injury to and Misappropriation of Record

Every officer who shall mutilate, destroy, conceal, erase, obliterate, or falsify any record or paper appertaining to the officer's office...is guilty of a **class B felony** and shall be punished by **imprisonment in a state correctional facility** for not more than ten years, or by a fine of not more than **five thousand dollars**, or by both.



Benefits of Managing Records

- ☐ Enables the agency to fulfill its mission
- ☐ Promotes cost-effective use of agency resources
- ☐ Helps minimize risk
- ☐ Promotes open and accountable government

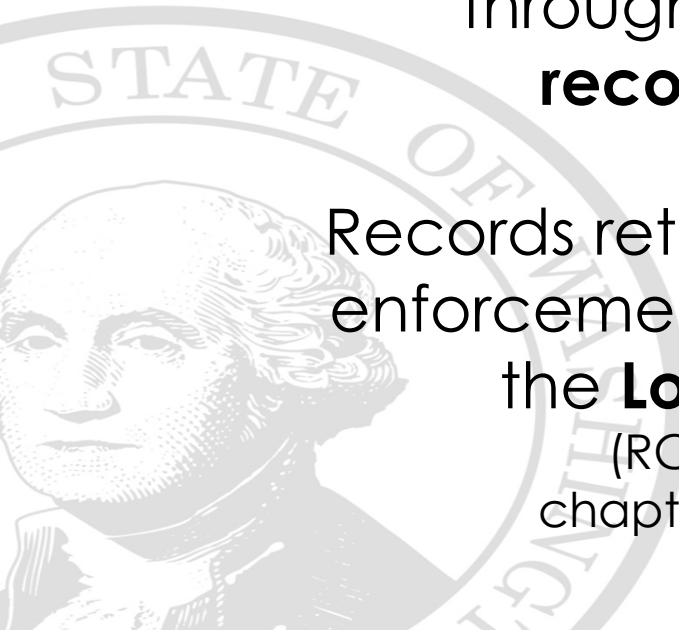


How Do I Know What to Keep?

Agencies are granted *ongoing legal authority* to disposition (get rid of records) through legal documents called **records retention schedules**

Records retention schedules for local law enforcement agencies are approved by the **Local Records Committee**

(RCW 40.14.060 and 40.14.070;
chapters 434-624 and 434-630 WAC)



Which Schedule Do I Use?

Visit sos.wa.gov/Archives >> Go to “Local Governments Tab” >>
Select “***Sheriffs***” or “***Police Departments***”

Local Government Common Records Retention Schedule (CORE)

For records that are commonly created/received by most government agencies, i.e. -

- Board meetings
- Contracts and agreements
- Facilities management

Law Enforcement Records Retention Schedule

For records that are specific or unique to law enforcement agencies, i.e. -

- Case files
- Body and dashcam recordings
- Inmate records
- Internal review investigations

Which Schedule Do I Use?

Visit sos.wa.gov/Archives >> Go to “Local Governments Tab” >>
Select “***Sheriffs***” or “***Police Departments***”

Animal Services Records Retention Schedule

For records that are specific or unique to agencies tasked with animal services, i.e. -

- Animal licensing and permitting
- Animal custody and adoption
- Employee controlled substance authorization

Emergency Communications (911) Records Retention Schedule

For records that are specific or unique to agencies operating emergency services communication systems and dispatching services, i.e. -

- 911 recordings
- CAD incident files

Records Retention Schedule



Law Enforcement Records Retention Schedule Version 7.2 (January 2017)

1. AGENCY MANAGEMENT

The function relating to the overarching management of the law enforcement agency and its general administration where not covered by the *Local Government Common Records Retention Schedule (CORE)*. Includes managing the agency's interaction with its community and legal matters.

1.1 COMMUNITY RELATIONS

The activity of the local government agency interacting with its community.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-025 Rev. 0	<p>Crime Prevention Programs Records relating to the management of crime prevention programs.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Crime Stoppers;• Block watch;• Business watch;• House watch. <p>Excludes Ride-Along program records covered by LE03-01-38.</p>	<p>Retain for 1 year after obsolete or superseded <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR</p>

Rule of Thumb: Never destroy a record unless you can point to a "DAN" authorizing you to do so.

KEEP **PUBLIC RECORDS** for
MINIMUM RETENTION

then

DESTROY

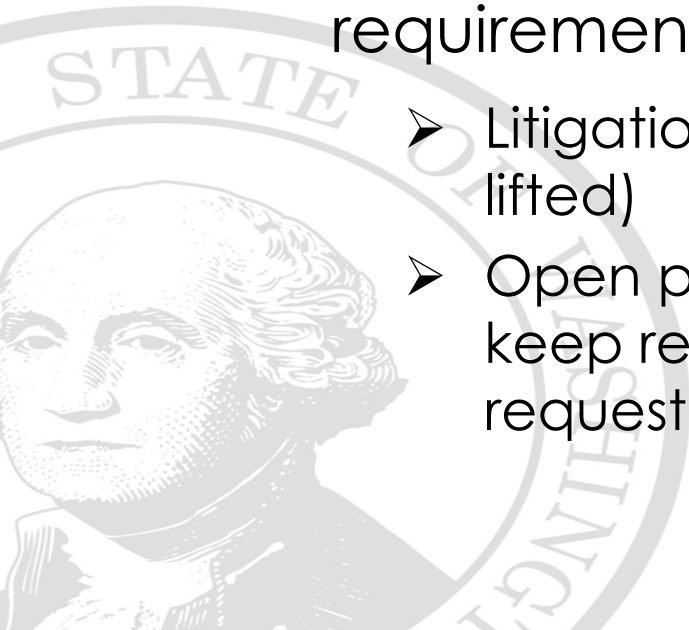
TRANSFER

HOLD IT!



There are times when you must hang on to records even if their retention requirements have been met:

- Litigation holds (must keep until hold lifted)
- Open public records requests (must keep related responsive documents until request fulfilled/closed)



“Born Digital” Records

- **Electronic records must be retained in electronic format...**for the length of the designated retention period.
- **Printing and retaining a hard copy is not a substitute** for the electronic version.

([WAC 434-662-040](#))

Law Enforcement Records FAQ's

**Note these
“Big Bucket”
DAN's in the
Law
Enforcement
Schedule.
You might use
these often.**

- Citations/Notices of Infraction Issued—
All Others
 - *DAN LE07-01-06 Rev. 3*
- Inmate Custody Files
 - Age 18 and Over: *DAN LE15-01-40 Rev. 1*
 - Under Age 18: *DAN LE2010-038 Rev. 0*
- Inmate Health Records
 - Age 18 and Over: *DAN LE15-01-25 Rev. 2*
 - Under Age 18: *DAN LE2010-034 Rev. 1*
- Case Files—All Other Cases
 - *DAN LE2010-064 Rev. 1*

Law Enforcement Records FAQ's

**Are there any
DAN's in the
Law
Enforcement
Schedule that
take
precedence
over DAN's in
the CORE?**

- Internal review/investigation records
- Agency-issued weapon maintenance and certification records
- Inmate security recordings


Law Enforcement Records FAQ's



How long are case files kept?

- Case Files—Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies, DAN LE2010-061 Rev. 1
- Case Files—Homicides (Solved), DAN LE2010-062 Rev. 1
- Case Files—Sex Offenders and Sexually Violent Offenses, DAN LE2010-063 Rev. 2
- Case Files—Notorious/Historically Significant Cases, DAN LE2010-060 Rev. 2
- Case Files—All Other Cases, DAN LE2010-064 Rev. 1

Law Enforcement Records FAQ's



How long are visual media recordings kept?

- Recordings from Mobile Devices
 - Incident Identified, *DAN LE09-01-08*
 - Incident Not Identified, *DAN LE09-01-09*
 - Incident Not Identified (Body Worn Cameras Subject to RCW 42.56.240), *DAN LE2016-001*
 - Buffered Data/Images, *DAN LE2017-001*
- Inmate Security and Control
 - Recordings, Security—Incident Identified, *DAN LE15-01-63*
 - Recordings, Security—Incident Not Identified, *DAN LE15-01-64*

Law Enforcement Records FAQ's

**How long are
training records
kept?**

- Agency-Provided Training – Certificated, Hours/Credits Earned, or Mandatory, *DAN GS2011-180 Rev. 1*
- Agency-Provided Training – General, *DAN GS2011-181 Rev. 1*
- Training—Search and Rescue, *DAN LE2010-046*
- Employee Work History, *DAN GS50-04B-06 Rev. 4*

Law Enforcement Records FAQ's



**How long are
employee
misconduct
records kept?**

- Law enforcement officers:
 - Internal Review/Investigation (Formal Discipline Imposed), *DAN LE2010-059 Rev. 1*
 - Internal Review/Investigation (Formal Discipline Not Imposed), *DAN LE03-01-05 Rev. 2*
 - Internal Review/Investigation—Notorious/Historically Significant Incidents, *DAN LE2015-006 Rev. 0*
- Civilian Employees:
 - Misconduct Investigation Files—Founded, *DAN GS50-04B-46 Rev. 3*
 - Misconduct Investigation Files—Unfounded, *DAN GS50-04B-47 Rev. 3*
- Notices of disciplinary actions for all employees:
 - Employee Work History, *DAN GS50-04B-06 Rev. 4*

Law Enforcement Records FAQ's



**We want to
hear from you.**

- Language and terminology
- New records series
- Obsolete records series
- Federal and state requirements

If not, please let us know!

Records Management Resources



WASHINGTON STATE
LAW ENFORCEMENT
INFORMATION AND
RECORDS ASSOCIATION



Washington State
Criminal Justice Training Commission



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

Records Management Resources

- Website: sos.wa.gov/archives
 - Training – online and in-person
 - How-to videos
 - Retention schedules
 - Advice sheets



FREE CONSULTATION, TRAINING, AND ADVICE

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